

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

2:09-CR-78 JCM (GWF)
2:10-CR-520 JCM (GWF)

Plaintiff,

V.

SHAWN RICE,

Defendant.

ORDER

Presently before the court is *pro se* defendant Shawn Talbot Rice's motion to vacate. (Doc. # 345 in case 2:09-cr-00078; doc. # 102 in case 2:10-cr-00520). Also before the court is defendant's motion to extend time. (Doc. # 351 in case 2:09-cr-00078; doc. # 107 in case 2:10-cr-00520). Also before the court is defendant's motion for the production of grand jury transcripts. (Doc. # 363 in case 2:09-cr-00078; doc. # 114 in case 2:10-cr-00520). Last before the court is defendant's motion to waive all transcript fees. (Doc. # 365 in case 2:09-cr-00078; doc. # 115 in case 2:10-cr-00520).

The government has filed an opposition to defendant's motion for production of grand jury transcript and motion to waive all transcript fees. (Doc. # 369 in case 2:09-cr-00078; doc. # 119 in case 2:10-cr-00520).

I. Motion to vacate & motion to extend time

This case is currently on appeal to the Ninth Circuit. These motions are denied as moot given this court's lack of jurisdiction.

Further, even if the court had jurisdiction, the motion to vacate and the motion to extend time would be denied as both raise substantially similar arguments already addressed and denied in the

1 court's March 18, 2013, order. (Doc. # 349 in case 2:09-cr-00078; doc. # 105 in case 2:10-cr-00520).

2 **II. Motion for the production of grand jury transcripts & motion to waive all transcript**
3 **fees**

4 Defendant has designated transcripts of nearly every hearing that took place in district court,
5 including his initial appearances, arraignments, hearings related to motions to revoke his pre-trial
6 release, a hearing on his motion to terminate stand-by counsel, and various status hearings, as well
7 as the bench trial and sentencing hearing. Further, defendant has designated the transcript of the
8 grand jury proceeding. Defendant requests that these transcripts be produced free of charge.¹

9 However, defendant has been appointed appellate counsel. (Doc. # 370 in case 2:09-cr-
10 00078; doc. # 120 in case 2:10-cr-00520). Once counsel has had adequate time to identify what
11 issues will be challenged on appeal, counsel can order transcripts that he believes to be necessary
12 to prepare an appeal on behalf of defendant. Further, counsel can follow the normal procedures for
13 appointed counsel for obtaining transcripts. Thus, the court finds denial of these motions without
14 prejudice appropriate.

15 **III. Conclusion**

16 Accordingly,

17 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant Shawn Talbot
18 Rice's motion to vacate (doc. # 345 in case 2:09-cr-00078; doc. # 102 in case 2:10-cr-00520) be, and
19 the same hereby is, DENIED as moot.

20 IT IS FURTHER ORDERED that defendant's motion to extend time (doc. # 351 in case
21 2:09-cr-00078; doc. # 107 in case 2:10-cr-00520) be, and the same hereby is, DENIED as moot.

22 IT IS FURTHER ORDERED that defendant's motion for the production of grand jury
23 transcripts (doc. # 363 in case 2:09-cr-00078; doc. # 114 in case 2:10-cr-00520) be, and the same
24 hereby is, DENIED without prejudice.

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27 ¹ The transcripts total more than \$970.00.

1 IT IS FURTHER ORDERED that defendant's motion to waive all transcript fees (doc. #365
2 in case 2:09-cr-00078; doc. # 115 in case 2:10-cr-00520) be, and the same hereby is, DENIED
3 without prejudice.

4 DATED April 30, 2013.

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6 UNITED STATES DISTRICT JUDGE
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